UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,040	04/02/2004	Jordan L.K. Schwartz	MS#304627.01 (5458)	2243

38779   7590   12/11/2008
SENNIGER POWERS LLP (MSFT)
100 NORTH BROADWAY
17TH FLOOR
ST. LOUIS, MO 63102

EXAMINER
SALOMON, PHENUEL S

ART UNIT	PAPER NUMBER
2178	

NOTIFICATION DATE	DELIVERY MODE
12/11/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 September 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,9,11-14 and 20-22</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1,3,9,11-14 and 20-22</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

1.   This office action is in response to the amendment filed on September 15, 2008. Claims

1, 9, 12, 20 and 21 are amended; claims 2, 4-8, 10, 15-19 and 23-25 are canceled; and claims 1,

3, 9, 11-14 and 20-22 are pending.

2.   The rejections of claims 1, 3, 11, 20, and 22 under 35 U.S.C. 102(b) as being anticipated

by Mernyk (US 6,496,206 B1) have been withdrawn pursuant to applicant amendment.

3.   The rejections of claims 12-14 and 21 under 35 U.S.C. 103(a) as being unpatentable over

Mernyk (US 6,496,206 B1) in view of Sugimoto (US 6,750,890 B1) have been withdrawn

pursuant to applicant amendment.

4.   The rejections of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Mernyk (US

6,496,206 B1) in view of Kobayashi et al. (US 6,938,215 B2) have been withdrawn pursuant to

applicant amendment.

Claim Objections

5.   Claim 9 is objected to because of the following informalities: Claim 9 is dependent from

a canceled claim. In order to expedite the examination process, claim 9 is being examined as

dependent of claim 1. Appropriate action is required.

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

7.   Claims 1, 3, 11, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable

over <u>Mernyk</u> (US 6,496,206 B1) in view of <u>Datta</u> (US 6,622,168 B1).

Claim 1: <u>Mernyk</u> discloses a method comprising:

sensing the presence of an indicator in a vicinity of an icon having associated thumbnail

data representative of content of an associated object (col. 4, lines 12-15), wherein said icon and

a plurality of additional icons are located within a viewable interface, each of the additional icons

having associated thumbnail data representative of content of an associated object (col. 4, lines

15-25);

rendering a superimposed view of at least a portion of the thumbnail data, the

superimposed view rendered in the vicinity of the icon (fig. 2);

in response to said sensing, based on the locations within the window of the plurality of

additional icons relative to said icon (fig. 2), but does not explicitly disclose identifying a

predetermined number of the plurality of additional icons; and

in response to said identifying, pre-caching thumbnail data only for the additional icons.

However <u>Datta</u> discloses a profile server that tagged components and a preloader that caches components

that are likely to be accessed by the user (col. 3, lines 18-25). Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to include most likely components

to be cached in Mernyk. One would have been motivated to do so in order to maintain scalability of

memory usage while enabling user to quickly identify the basic contents of large number of files

identified as icon.

Claim 3: Mernyk and Datta disclose the method according to claim 2 above, Mernyk further

discloses wherein pre-caching the thumbnail data includes storing the thumbnail data in volatile

memory (col. 5, lines 31-35).

Claim 11: Mernyk and Datta disclose the method according to claim 1 above, Mernyk further

discloses wherein the viewable interface is a window and the superimposed view rendered is

rendered within the window (fig. 2).

Claim 20: Mernyk discloses a computer-readable storage medium having instructions stored

thereon that direct a computing system to:

   sense the presence of an indicator in a vicinity of an icon having associated thumbnail

data representative of content of an associated object (col. 4, lines 12-15), wherein said icon and

a plurality of additional icons are located within a viewable interface, each of the additional icons

having associated thumbnail data representative of content of an associated object (col. 4, lines

15-25);

   render a superimposed view of at least a portion of the thumbnail data, the superimposed

view rendered in the vicinity of the icon (fig. 2);

in response to said sensing, based on the locations within the window of the plurality of

additional icons relative to said icon (fig. 2), but does not explicitly disclose identify a

predetermined number of the plurality of additional icons; and

in response to said identifying, pre-cache thumbnail data only for the additional icons.

However Datta discloses a profile server that tagged components and a preloader that caches components

that are likely to be accessed by the user (col. 3, lines 18-25). Therefore, it would have been obvious to

one having ordinary skill in the art at the time the invention was made to include most likely components

to be cached in Mernyk. One would have been motivated to do so in order to maintain scalability of

memory usage while enabling user to quickly identify the basic contents of large number of files

identified as icon.

Claim 22: Mernyk and Datta disclose the method of claim 1 above, Mernyk further discloses

wherein the icon for which the pre- cached thumbnail data is displayed and the displayed

thumbnail data are different (col. 6, lines 15-22) [thumbnail data of the remaining pages in the

folder are different than the displayed folder].

8.   Claims 12-14 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mernyk (US 6,496,206 B1) in view of Sugimoto (US 6,750,890 B1) and further in view of Datta

(US 6,622,168 B1).

Claim 12: Mernyk discloses a method for displaying thumbnail data associated with at least one

of a plurality of icons located in a window, each of said plurality of icons having thumbnail data

associated therewith, said method comprising:

comparing the total number of icons located in the window to the pre-determined

maximum number of icons (fig. 2) [pre-determined maximum number could be one or the total

number of icons];

displaying the pre-cached thumbnail data associated with one of the plurality of icons

when an indicator is hovered substantially over the said icon (col. 2, lines 67-69); and

pre-caching the thumbnail data for a particular number of the plurality of icons located in

the window based on said comparing (col. 4, lines 40-45), but does not explicitly disclose

wherein said particular number is the pre-determined maximum number when said

predetermined maximum number is less than or equal to the total number, and wherein said

particular number is the total number when the predetermined maximum number is greater than

said total number said thumbnail data representative of content of an associated object. However

Sugimoto discloses the maximum number of displayable history information may be greater than

the number of history information which can be displayed in the auxiliary region and the

maximum number of displayable history information is equal to the number of history

information which can be displayed in the auxiliary region (col. 34, lines 6-12). Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to include

Sugimoto's features in Mernyk. One would have been motivated to do so in order to maintain economy

of memory usage while enabling user to quickly identify the basic contents of large number of files

identified as icon. But do not explicitly disclose:

identifying a predetermined maximum number of icons for which thumbnail data will be

pre-cached, said predetermined maximum number being independent of the total number of

icons located in the window. However Datta discloses a profile server that tagged components and a

preloader that caches components that are likely to be accessed by the user (col. 3, lines 18-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was

made to include most likely components to be cached in <u>Mernyk</u>. One would have been motivated to do

so in order to maintain scalability of memory usage while enabling user to quickly identify the basic

contents of large number of files identified as icon.

Claim 13: <u>Mernyk</u> <u>Sugimoto</u> and <u>Datta</u> disclose the method according to claim 12 above, <u>Mernyk</u>

further discloses the pre-cached thumbnail data is available for substantially instantaneous

rendering at the moment the indicator is hovered substantially over one of the plurality of icons

(col. 4, lines 26-28).

Claim 14: <u>Mernyk</u> <u>Sugimoto</u> and <u>Datta</u> disclose the method according to claim 13 above, <u>Mernyk</u>

further discloses the thumbnail data is pre-cached in volatile memory (col. 5, lines 31-35).

Claim 21: <u>Mernyk</u> discloses a computer-readable storage medium having instructions stored

thereon for displaying thumbnail data associated with at least one of a plurality of icons located

in a window, each of said plurality of icons having thumbnail data associated therewith, said

instructions directing a computing system to:

    compare the total number of icons located in the window to the pre-determined maximum

number of icons (fig. 2) [pre-determined maximum number could be one or the total number of

icons];

    display the pre-cached thumbnail data associated with one of the plurality of icons when

an indicator is hovered substantially over the said icon (col. 2, lines 67-69); and

pre-cache the thumbnail data for a particular number of the plurality of icons located in the window based on said comparing (col. 4, lines 40-45), but does not explicitly disclose wherein said particular number is the pre-determined maximum number when said predetermined maximum number is greater than the total number, and wherein said particular number is the total number when the predetermined maximum number is less than or equal to said total number said thumbnail data representative of content of an associated object. However Sugimoto discloses the maximum number of displayable history information may be greater than the number of history information which can be displayed in the auxiliary region and the maximum number of displayable history information is equal to the number of history information which can be displayed in the auxiliary region (col. 4, lines 6-12). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include Sugimoto's features in Mernyk. One would have been motivated to do so in order to maintain economy of memory usage while enabling user to quickly identify the basic contents of large number of files identified as icon. But do not explicitly disclose:

identifying a predetermined maximum number of icons for which thumbnail data will be pre-cached, said predetermined maximum number being independent of the total number of icons located in the window. However Datta discloses a profile server that tagged components and a preloader that caches components that are likely to be accessed by the user (col. 3, lines 18-25). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include most likely components to be cached in Mernyk. One would have been motivated to do so in order to maintain scalability of memory usage while enabling user to quickly identify the basic contents of large number of files identified as icon.

9.   Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mernyk (US

6,496,206 B1) in view of Datta (US 6,622,168 B1) and further in view of Kobayashi et al. (US

6,938,215 B2).

Claim 9: Mernyk and Datta disclose the method of claim 8 above, wherein the predetermined

number of icons is greater than one icon located within the viewable interface (fig. 2) but did not

explicitly disclose less than the total number of the plurality of additional icons. However

Kobayashi discloses the amount of displayable files in one screen is les than the total number of

files displayed in the icon browser screen (col. 5, lines 58-64). Therefore, it would have been obvious

to one having ordinary skill in the art at the time the invention was made to include Sugimoto's icon

displayed in Mernyk. One would have been motivated to do so in order to maintain economy of memory

usage while enabling user to quickly identify the basic contents of large number of files identified as icon.

Response to Arguments

10.   Applicant's arguments filed on 09/15/2008 have been fully considered but they are not

persuasive and they are moot in view of new ground(s) of rejection.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

        a. Kanevsky et al. (US 7,003,736 B2) discloses iconic representation of context.

    b. <u>Jaaskelainen, Jr</u>. (US 5,835,088) discloses method and apparatus for providing programmable window-to-window focus change within a data processing system using GUI.

    Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phenuel S. Salomon whose telephone number is (571) 270-1699. The examiner can normally be reached on Mon-Fri 7:00 A.M. to 4:00 P.M. (Alternate Friday Off) EST.

    If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272 4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

    Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSS
12/05/2008
/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178